

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Miscellaneous Application No.S-404 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	For orders on office objections. For hearing of main case. For hearing of M.A. No.5593/2026.

21.09.2026

Mr. Muhammad Aqib, Advocate for applicant.
Mr. Mumtaz Ahmed Lashari, Advocate for respondent No.3.
Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.
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The applicant, by way of instant Criminal Miscellaneous Application under Section 561-A, Cr.P.C., has impugned the order dated 04.07.2026 passed by the learned 7th Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, whereby the SHO, Police Station Market, Hyderabad, was directed to record the statement of the private respondent and, if the same disclosed commission of a cognizable offence, to register a case against the applicant.

The brief facts necessary for disposal of the instant *lis* are that in the month of February 2026 the applicant left private respondent (her wife) in the house of her parents and upon her return in the rented house, she found that certain crockery, household articles, gold and cash had allegedly been taken away.

Learned counsel for the applicant contends that no such incident, as alleged by the private respondent, had taken place and that the parties are having strained matrimonial relations. It is further contended that the impugned order was passed without lawful justification and without proper appreciation of the material available on record.

Conversely, learned counsel for the private respondent and learned DPG for the State have supported the impugned order.

I have heard the learned counsel for the parties and perused the record.

The police report available on record does not support the occurrence alleged by the private respondent; rather, it reflects that the parties are embroiled in a matrimonial/family dispute. The said report was not rebutted by the private respondent by filing any objection thereto, yet the same was not considered by the learned Ex-Officio Justice of Peace. Admittedly the applicant and private respondent are husband and wife. Moreover, the allegation regarding removal of household articles, gold and cash is not

supported by any independent material available on record. In view of the strained matrimonial relations between the parties and the material available on record, the allegations forming the basis of the application under Sections 22-A 6(i)(iii) Cr.P.C does not disclose the commission of a cognizable offence. In the circumstances, the learned Sessions Judge/Ex-Officio Justice of Peace was not justified in issuing the impugned direction to the SHO for recording the statement of the private respondent for the purpose of registration of an FIR. The impugned order, therefore, cannot be sustained. Accordingly, the instant Criminal Miscellaneous Application is **allowed**. The impugned order dated 04.07.2026 is **set aside** and the directions contained therein for registration of an FIR are hereby **recalled**. The instant application stands disposed of in the above terms.

JUDGE

Muhammad Danish*